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To:

Name: Examiner Barry Pass
Company: U.S. Patent and Trademark Office
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FROM:

Name: Robert C. Beck
Phone: 612-915-9633

Applicant: Graydon Ernest Beatty
Serial No.: 09/547,476
Filing Date: 04/12/2000
Title: Interface System for Endocardial Mapping Catheter

Examiner: Barry Pass
Group Art Unit: 3737
Docket No. 1934
Attached Documents: Declaration Under 37 C.F.R. Section 1.132

DATE: November 13, 2003

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Message to Recipient:

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09/547,476

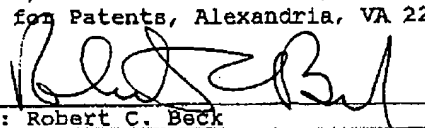
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Graydon Ernest Beatty	Examiner:	Barry Pass
Serial No.:	09/547,476	Group Art Unit:	3737
Filing Date:	April 12, 2000	Docket No.:	1934
Title	Interface System for Endocardial Mapping Catheter		

Date of Deposit: 11/13/03

I hereby certify that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, VA 22313

Signature: 

Printed Name: Robert C. Beck

Commissioner for Patents
Alexandria, VA 22313

DECLARATION UNDER 37 C.F.R. SECTION 1.132

I, Jeffery R. Budd declare and say:

That I am a citizen of USA and I reside at 3270 Owasso Heights Road, Shoreview, Minnesota 55126;

That I am one of the co-inventors in the above-identified patent application 09/547,476. It is my understanding from speaking with my patent attorney, Robert C. Beck, that Examiner Pass has indicated the claims in the instant application are potentially rejected under Patent No. US 5,662,108 of which I am a co-inventor. In particular, Examiner Pass has indicated the claims of the instant application are fully disclosed by the specification of US 5,662,108 and the question has arisen during prosecution as to whether or not the claimed subject matter of

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the instant application is work by "another" under Section 271(e).

The specification of US 5,662,108 discloses a complete project based on original work by Graydon Beatty and myself on system software and overall architecture of the system, on subsequent algorithm refinement and extension of the system worked on by myself, Graydon Beatty, and John Hauck, and on catheter design and construction worked on primarily by Jonathan Kagan.

The claims of US 5,662,108 detail work only by myself, Beatty and Hauck, the stated inventive entity in that patent. However, the specification of US 5,662,108 discloses the entire system. The claims of the instant application encompass the entire system, including catheter design and construction primarily worked on by Kagan. Thus the appropriate inventive entity for the instant application is Budd, Beatty, Hauck and Kagan.

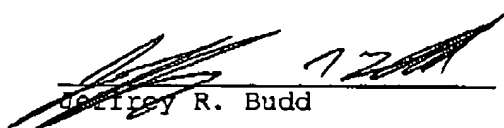
Thus, in summary, US 5,662,108 discloses a complete project worked on by Budd, Beatty, Hauck and Kagan, but claims work only by Budd, Beatty and Hauck. The instant application has the same specification as US 5,662,108, disclosing the entire system, and claims that encompass the entire system worked on by Budd, Beatty, Hauck and Kagan. Thus, the information disclosed but not claimed in US 5,662,108, and claimed in the instant application, does not constitute work by "another."

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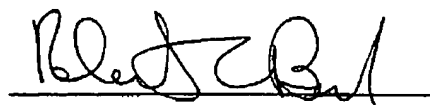
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Date: Nov. 12, 2003


Jeffrey R. Budd

Respectfully submitted,
ENDOCARDIAL SOLUTIONS, INC.
By its attorneys:

Date: 11/13/03


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